

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION III 1650 Arch Street Philadelphia, Pennsylvania 19103-2029

<u>CERTIFIED MAIL</u> RETURN RECEIPT REQUESTED

MAY 24 2016

Mr. Curtis Keller General Manager Berkeley County Public Service District 65 District Way Martinsburg, West Virginia 25404

Re: Clean Water Act Section 308 Information Requirement

Dear Mr. Keller

The Berkeley County Public Service Sewer District (BCPSSD) owns and operates four major wastewater treatment plants (WWTPs), numerous package WWTPs, one lagoon treatment facility, and one industrial pretreatment facility. The BCPSSD System is a publicly owned treatment works (POTW) with a collection system. The BCPSSD System is a point source subject to National Pollutant Discharge Elimination System (NPDES) permit requirements under the Clean Water Act (CWA or Act), 33 U.S.C. §1251, et seq.

Section 308 of the Act, 33 U.S.C. § 1318 authorizes the U.S. Environmental Protection Agency (EPA) to require owners and/or operators of point sources to provide information related to compliance with the CWA. Pursuant to that authority, EPA requires that the BCPSSD System provide information related to overflows from the collection system that conveys wastewater to the POTW, as specified in the attached Information Requirement.

You must respond in accordance with the instructions and deadlines set forth in the Information Requirement. Failure to comply with the terms of this Information Requirement constitutes a violation of the CWA and may result in enforcement action under Section 309 of the Act, 33U.S.C. § 1319 involving civil or criminal penalties.

If you have any questions about this Requirement for Information, you may contact Mr. Steven Maslowski, Enforcement Officer at (215) 814-2371.

Sincerely,

avid B. McGuigan,

Associate Director

Office of NPDES Permit and Enforcement

Water Protection Division

Enclosure

cc: Jeremy Bandy, WVDEP Robin Dolly, WVDEP

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION III

1650 Arch Street Philadelphia, Pennsylvania 19103-2029

In The Matter of

Berkeley County Public Service Sewer District

65 District Way

Martinsburg, West Virginia 25404

Proceeding under Section 308 of the Clean Water Act, 33 U.S.C. § 1318

INFORMATION REQUIREMENT

Respondent

I. STATUTORY AUTHORITY

1. This Information Requirement is issued under the authority vested in the United States Environmental Protection Agency (EPA) by Section 308 of the Clean Water Act (CWA), 33 U.S.C. § 1318. The Administrator of the EPA has delegated this authority to the Regional Administrator of EPA Region III who in turn has delegated it to the Director of the Water Protection Division of EPA Region III, who in turn has delegated it to the Associate Director of the Office of NPDES Permits and Enforcement. EPA hereby requires the Berkeley County Public Service Sewer District (BCPSSD or Respondent) to provide the information specified below.

II. STATUTORY AND REGULATORY BACKGROUND

- 2. EPA is authorized under Section 308 of the CWA, 33 U.S.C. § 1318, to require owners and operators of point sources to establish records and make such reports as may be necessary to carry out the purpose of the Act, including but not limited to:
 - developing or assisting in the development of any effluent limitation, or other limitation, prohibition, effluent standard, pretreatment standard, or standard of performance under the CWA;
 - b. determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, or

standard of performance;

- c. any requirement under Section 308 of the CWA; and
- d. carrying out Sections 305, 311, 402, 404, and 504 of the CWA.
- 3. Failure to respond as directed to a CWA Section 308 Information Requirement is punishable under the civil and criminal provisions of Section 309 of the CWA, which provide for the assessment of penalties, injunctive relief and imprisonment. Providing misleading or false information may subject you to civil and criminal sanctions. The information you provide may be used by EPA in administrative, civil or criminal proceedings.
- 4. You may, if you desire, assert a business confidentiality claim covering all or part of the information Requirement herein in the manner described in 40 C.F.R. Part 2 Subsection B. Information covered by such a claim will be disclosed by EPA only to the extent and by means of the procedures set forth in Subpart B, 40 C.F.R. Part 2. If no claim of confidentiality accompanies the Information Requirement herein when it is received by EPA, it may be made available to the public by EPA without further notice. You may not withhold any information from EPA on the grounds that it is confidential business information. This inquiry is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act 44 U.S.C. Chapter 35. (See 5 C.F.R. Section 1320.3(c)).

III. <u>INSTRUCTIONS</u>

- 5. Provide a separate narrative response for each question contained in this Information Requirement and for each subpart of each question. Precede each answer with the corresponding number of the question to which it responds.
- 6. Identify each person responding to each question contained in this Information Requirement on behalf of the Respondent, as well as each person consulted in the preparation of the response.
- 7. For each question, identify each document consulted, examined, or referred to in the preparation of the response or that contains information responsive to the question, and provide a true and correct copy of each such document if not provided in response to another specific question.
- 8. Indicate on each document produced in response to this Information Requirement, or in some other reasonable manner, the number of the question to which it corresponds.
- 9. Provide your response in tabular form in both hard copy and as an electronic spreadsheet file in Microsoft Excel format.

- 10. If requested information or documents are not known or are not available at the time of your response to this Information Requirement, but later become known or available, the Respondent must supplement its response to EPA. Moreover, should the Respondent find at any time after submission of its response that any portion is or becomes false, incomplete, or misrepresents the facts; the Respondent must provide EPA with a corrected response as soon as possible.
- 11. All submissions provided pursuant to this Requirement shall be signed and dated by a responsible official of Respondent and include the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Signed	
Title	
Date	

12. Submit a copy of your response to the following individual:

Mr. Steven Maslowski (3WP42) NPDES Enforcement Branch Water Protection Division U. S. Environmental Protection Agency 1650 Arch Street Philadelphia, PA 19103-2029

13. If you have questions regarding this Information Requirement, you may contact Mr. Steve Maslowski of the NPDES Enforcement Branch at (215) 814-2371.

IV. DEFINITIONS

14. The terms "Document", "Documents" and "Documentation" shall mean any format that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hard copy, including any form or format of these types. If in computer format or memory, each such document shall be provided in a translated form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include:

(a) a copy of each document which is not an exact duplicate of a document which is provided; (b) each copy on which there is any writing, notation, or the like; (c) drafts;

- (d) attachments to or enclosures with any document; and (e) every other document referred to or incorporated into each document.
- 15. The term "identify" with respect to a natural person means to provide that person's name, address, telephone number, title, and relationship to Respondent. The term "identify" with respect to a business entity means to provide that entity's name, address, and relationship to the Respondent, and to provide the name, address, telephone number, and title of an individual who can provide information related to, and on behalf of, the entity.
- 16. The term "Publicly Owned Treatment Works" (POTW) has the meaning set forth in 40 C.F.R. 403.3(q).
- 17. "Wastewater Treatment Plant" or "WWTP" shall mean the sewage treatment plants (or water reclamation facilities) operated by BCPSSD and all components of such sewage treatment plant.
- 18. The term "collection and/or conveyance system" means the system used for the transport of all wastewater including process wastewater from its source to a facility where treatment of the wastewater occurs.
- 19. The "BCPSSD System" or "Systems" refers to any devices used in the collection, storage, treatment, recycling and/or reclamation of municipal sewage or industrial wastes of a liquid nature in Berkeley County, West Virginia. It also includes sewers, pipes, and other conveyances that convey wastewater to BCPSSD POTWs.
- 20. "Wastewater Collection and Transmission Systems" or "WCTS" shall mean the municipal wastewater collection and transmission systems, including all pipes, interceptors, Force Mains, Gravity Sewer Lines, lift stations, Pumping Stations, manholes and appurtenances thereto, that are owned or operated by the City.
- 21. "Sanitary Sewer Overflow" or "SSO" shall mean an overflow, spill, diversion, or release of wastewater from or caused by the County's WCTS. This term shall include:
 - a. discharges to waters of the State or United States from the BCPSSD's WCTS;
 - any release of wastewater from the County's WCTS to public or private property that does not reach waters of the United States or the State, including Building/Private Property Backups; and
 - any release of wastewater from treatment or storage tank at a County owned POTW.
- 22. "High Risk SSO" shall mean <u>multiple</u> overflows, spills, diversions, or releases of wastewater from or caused by the County's WCTS from a <u>single point source</u> that substantially endangers human health from direct exposure to sewer backups into residential buildings, city streets, backyards, and sidewalks.. This term shall include:

- a. discharges to waters of the State or United States from the City's WCTS;
- any release of wastewater from the County's WCTS to public or private property that does not reach waters of the United States or the State, including Building/Private Property Backups; and
- any release of wastewater from treatment or storage tank at a County owned POTW.
- 23. "Force Main" shall mean any pipe that receives and conveys, under pressure, wastewater from the discharge side of a pump. A Force Main is intended to convey wastewater under pressure.
- 24. "Gravity Sewer Line" shall mean a pipe that receives, contains and conveys wastewater not normally under pressure, but is intended to flow unassisted under the influence of gravity. Gravity sewers are typically not intended to flow full under normal operating conditions.
- 25. "Infiltration" shall mean water other than wastewater that enters a sewer system (including sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes, as defined by 40 C.F.R. § 35.2005(b)(20).¹
- 26. "Inflow" shall mean water other than wastewater that enters a sewer system (including sewer service connections) from sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm water, surface runoff, street wash waters, or drainage, as defined by 40 C.F.R. § 35.2005(b)(21).
- 27. "I&I" shall mean the total quantity of water from Infiltration and Inflow without distinguishing the source.
- 28. "Private Lateral" shall mean that portion of the WCTS, not owned by the BCPSSD, used to convey wastewater from a building or buildings to that portion of the WCTS owned by the County.
- 29. "Pumping Station" shall mean facilities comprised of pumps that lift wastewater to a higher hydraulic elevation, including all related electrical, mechanical, and structural systems necessary to the operation of that pumping station.

¹It may be appropriate to include the following definition in addition to the definition for "Infiltration": "Rainfall Induced Infiltration" or "RII" shall mean infiltration that behaves similarly to Inflow. Like Inflow, RII occurs during and after rainfall. RII is the result of rainfall percolating down through the soils into defects in the WCTS or Private Lateral which generally lie near the surface.

V. <u>INFORMATION REQUIREMENT</u>

AND NOW, this 24⁴⁹ day of MAY, 2016, Respondent is hereby directed, pursuant to Section 308 of the Act, 33 U.S.C. § 1318, to provide the following information, within thirty (30) days of the effective date of this Information Requirement:

- 30. The facility name, NPDES permit number, date of issuance and expiration for each permit associated with WWTPs owned and/or operated by the BCPSSD.
- 31. A map of BCPSSD's entire service area collection system(s). The map(s) should include the location of all pump stations/lift stations, and WWTPs owned and operated by BCPSSD.
- 32. BCPSSD procedure for receiving and tracking SSO reports from citizens.
- 33. BCPSSD procedure for notifying the state about SSO events and the procedure for keeping the state informed on BCPSSD progress regarding addressing the event.
- 34. Records of each SSO event that occurred in the collection system(s) owned and operated by BCPSSD in the last five years. The event information should include, at a minimum, the following:
 - a. Date of overflow;
 - b. Time discharge was reported;
 - c. Time discharge ceased;
 - d. Location of over flow (latitude longitude coordinates and street address);
 - e. Total volume discharged;
 - f. Volume recovered;
 - g. Method of recovery;
 - h. Volume of flow that reached a surface water and name of surface water if applicable;
 - i. The cause of the overflow;
 - Whether remedial measures were taken and if so, the nature of those remedial actions;
 and
 - k. Whether health warnings posted and if so, where and for what duration.
- 35. Identify locations of High Risk SSOs that occurred in the collection system(s) owned and operated by BCPSSD in the last five years:
 - a. What steps has BCPSSD taken to determine the cause of "High Risk SSOs" and to eliminate them;

- b. Does BCPSSD triage High Risk SSO locations to prioritize them for re-engineering? For example, there have been repeated SSOs on and/or near Wildflower Creek Drive, Martinsburg, where raw sewage has pooled in residents yards; and
- c. What has BCPSSD done to permanently stop these SSOs from occurring at this location?
- Provide a list of all constructed overflow points in the POTW/WWTP collection system. Provide the coordinates of the overflow point and the nearest cross streets. Additionally, provide the number of known discharges that occurred at each overflow point in the last five years and estimated volume.
- 37. Information on all sewer overflows that occurred in buildings on private property (i.e.: basement backups) in the past five years that BCPSSD was responsible for. In your response include an estimated volume for each overflow, and a cost of any associated insurance settlement claim.
- 38. Provide a copy of BCPSSD's written Spill Response Plan and state the process for review and update to this plan.
- 39. Provide a description of BCPSSD's fats, oils and grease (FOG) abatement program and if available, provide a copy of a source control ordinance and ordinance citation.
- 40. Provide a detail description of BCPSSD's I&I abatement program:
 - a. Please include the amount, in miles, of pipe that was rehabilitated or replaced in the last five years;
 - b. As well as, information on planned I&I abatement projects;
 - c. Provide a map of the collection systems where I&I abatement projects are located; and
 - d. Also, include an explanation of how storm water connections to the sanitary sewer (roof drains, sump pumps, etc.) are addressed by BCPSSD.
- 41. A brief summary of capacity control measures (relief sewers, storage, WWTP expansion, etc.) recently completed projects, and planned projects.
- 42. Provide a copy of BCPSSD's collection system operation and maintenance plan, which could include a Capacity, Management, Operation, and Maintenance Program (CMOM) or equivalent. Please include with your response the answers to the following questions:
 - a. Has BCPSSD's collection system(s) been completely inspected and cleaned;
 - b. If yes, how many years did it take to fully inspect and clean the system; and
 - If no, please provide an estimate of the percentage completion of inspecting and cleaning performed on the collection system.

- 43. Provide the last five years of calibration records for the Ecolab Industrial Pretreatment Facility influent flow meter.
- 44. Provide a copy of the 2009 TetraTech technical report in which all of BCPSSD's facilities were evaluated.
- 45. Provide information on where the storm inlet on the west side of the influent channel at the Opequon/Hedgesville WWTP drains to.
- 46. From 2016 through 2020, what additional permitted wastewater facilities does BCPSSD plan to gain operational control over? If BCPSSD does plan on gaining control, provide the resources needed to effectively manage each permitted facility that BCPSSD plans on acquiring.
- 47. On December 8, 2015, EPA inspectors observed solids being discharged into Eagle Run from the Opequon/Hedgesville WWTP. Provide a detailed explanation as to what follow-up steps were taken to address this event and what caused the solids to be discharged from the plant.
- 48. Provide an explanation and time frame when the pressure sand filters were removed from service from the Woods II WWTP? Was the WVDEP provided notice of the removal of the sand filters? Provide any document that was sent to the WVDEP and provide any correspondence in this matter.

VI. EFFECTIVE DATE

This INFORMATION REQUIREMENT is effective upon receipt.

Date: 5/24/16

David B. McGuigan, Ph.D.

Associate Director

Office of NPDES Permits and Enforcement

Water Protection Division